

IPW

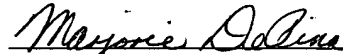
DOCKET NO.: D0188.70144US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Lewis Frimer  
Serial No.: 10/755,422  
Confirmation No.: 2063  
Filed: January 12, 2004  
For: IMPLANTABLE PROSTHESIS AND METHOD OF USE  
Examiner: Cheryl L. Miller  
Art Unit: 3738

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 28th day of July, 2005.

  
Majorie DePina

**MAIL STOP AMENDMENT**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

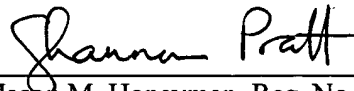
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:



Jason M. Honeyman, Reg. No.: 31,624  
Shannon Pratt, Reg. No.: 55,548  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Date: July 28, 2005  
xNDDx



DOCKET NO.: D0188.70144US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Lewis Frimer  
Serial No.: 10/755,422  
Confirmation No.: 2063  
Filed: January 12, 2004  
For: IMPLANTABLE PROSTHESIS AND METHOD OF USE  
  
Examiner: Cheryl L. Miller  
Art Unit: 3738

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 28<sup>th</sup> day of July, 2005.

  
Marjorie DePina

---

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following International Preliminary Report on Patentability from corresponding PCT application No. PCT/US2004/000657.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Serial No.: 10/755,422  
Conf. No.: 2063

- 3 -

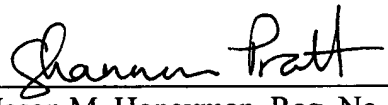
Art Unit: 3738

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

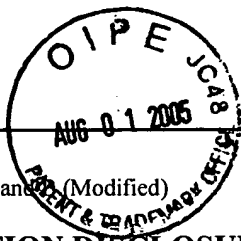
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:   
Jason M. Honeyman, Reg. No. 31,624  
Shannon Pratt, Reg No. 55,548  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: D0188.70144US00  
Date: July 28, 2005  
xNDDx



FORM PTO-1449/A and (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APPLICATION NO.: 10/755,422	ATTY. DOCKET NO.: D0188.70144US00
FILING DATE: January 12, 2004	CONFIRMATION NO.: 2063
APPLICANT: Michael Lewis Frimer	
GROUP ART UNIT: 3738	EXAMINER: Cheryl L. Miller

Sheet

of

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
		International Preliminary Report on Patentability, corresponding to PCT Application No. US2004/000657, July 4, 2005.		

EXAMINER:

DATE CONSIDERED:

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - No copies of U.S. patents or published U.S. patent applications, or pending, unpublished applications stored in the USPTO IFW system, are included. See 37 CFR 1.98 and 1287OG163. Copies of all other patent(s), publication(s), pending US applications or other information listed are provided as required by 37 CFR 1.98, unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR 1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]